

REMARKS

This Amendment is in response to the Office Action of December 23, 2008 in which all of the pending claims 1-6 and 9-32 were rejected.

In regard to section 6 of the detailed action at page 3 thereof, claim 9 is rejected as being directed towards non-statutory subject matter because the original specification would not clearly define a computer readable medium. The claim has been amended to recite an application store which finds support in the drawing at Fig. 4, reference numeral 250 and at page 14, line 37. The claim has also been amended to recite that the computer-executable instructions stored on the application store are for execution on a processing unit. The processing unit finds support at page 14, line 35 and in Fig. 4 at reference numeral 200. Withdrawal of the 35 U.S.C. § 101 rejection of claim 9 is requested.

The Examiner rejects all pending claims 1 to 6 and 9 to 32 as being unpatentable over previously cited *Fortier et al.* (US 6,583,179) and newly cited *Badarneh* (US PAP 2003/0001816).

As quoted by the Examiner, *Badarneh* describes for instance in paragraphs [0097] and [0104] with reference to Fig. 19 an actuator (control element 28), i.e. a multi switching component, which is tiltable in several direction, in particular four directions. The actuator of *Badarneh* is actuatable to cause the appearance of a menu including for instance a phone book menu entry and selecting the phone book menu entry, which results in displaying an address list or list of subscribers maintained in said phone book.

Regarding the amended claims, the applicants have the following comments:

The step of “displaying a list of the first set of data records or displaying a list of the second set of data records” has to be interpreted in the context of the subject matter of the independent claim 1 as “in response to receiving either the first input value or the second input value, displaying a list including/being constituted from **either** the list of the first set of data records or the list of the second set of data records”.

The first of data records and second set of data records of the present invention differ from any list described by *Badarneh*. The first set of data records comprises **all** telephone directory entries, which are **associated with voice tags** (to enable speech controlled dialing thereof). This means that the list of the first set is limited to the telephone directory entries, which can be selected by both speech input and manual input. The list of the first set does **not include** those telephone directory entries, which are **not associated with voice tags**.

The second set of data records comprises **all** device functions or device application functions, or both, which are **associated with voice tags** (to enable speech controlled activation thereof). Analogously, this means that the second list is limited to the device functions or device application functions, or both, which can be selected by both speech input and manual input. The second list does **not include** those device functions or device application functions, or both, which are **not associated with voice tags**.

Hence, both lists may be understood as including only entries, which are favored by the user of the communication device in that the user associates voice tags to a user-determinable selection of telephone directory entries and device functions or device application functions.

Moreover, the user is enabled by one single user input to select between displaying either the aforementioned list of the first set or the aforementioned the list of the second set. This means that the user is enabled by one single user input to either select the list of the first set relating to telephone numbers, when the user intends to dial one of the telephone numbers of the first set, or select the list of the second set relating to the device functions or device application functions, or both, when the user intends to operate one of the device functions or device application functions of the second set.

This means that the user first selects between two principle categories, the first category in accordance with the entries of the first set, i.e. telephone numbers, and the second category in accordance with the entries of the second set, i.e. the device functions or device application functions.

Upon reception of one single user second input, one user-desired list entry, i.e. data record, of the selected beforehand and then displayed list.

This is for instance described in detail on page 8, line 35 to page 12 of the specification. The claims have been amended accordingly. The effect of the present invention is to provide a faster manual and structured selection of voice selectable data records, when the voice selection fails or must fail for instance due to external/environmental influences on the speech recognition process operated to enable voice selection.

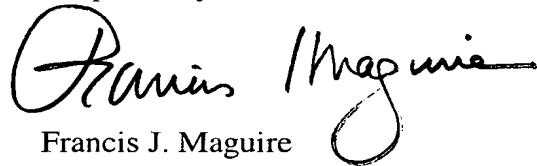
The presently claimed invention allows for a faster, efficient, and safe manual selection of one voice input selectable/activatable contact or device function out of a respective list including all corresponding voice selectable contact or device function. The attention required by the user for selecting among the limited but well-defined number of (user favored) list entries, i.e. data records, is also minimized, i.e. minimized when considering the aforementioned approach of the reference, where complete set of contacts is presented to the user or “normal” user interface for operating the functions and application functions provided at the communication device is offered to the user.

Badarneh neither describes nor suggests the aforementioned discussed features of the claimed subject matter of the present application.

Withdrawal of the various obviousness rejections is requested.

The objections and rejections of the Office Action of December 23, 2008, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims 1, 3-6, 9-10, 12-17, and 19-32 to issue is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Francis J. Maguire". The signature is fluid and cursive, with a large loop at the end of the last name.

Francis J. Maguire
Attorney for the Applicant
Registration No. 31,391

FJM/mo
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234